

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Z-Best Composting Facility
SWIS No. 43-AA-0015
April 29, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Clara County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Z-Best Composting Facility, SWIS No. 43-AA-0015, located in Santa Clara County, and owned and operated by the Zanker Road Resource Management, Ltd. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on March 14, 2014. A new version of the proposed permit was received on April 29, 2014 with minor edits. Action must be taken on this permit no later than May 13, 2014. If no action is taken by May 13, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2011)	Proposed Permit
Permitted Hours of Operation	6:00am to 6:00pm – 7 day/week 6:00am to 10:00pm within processing building 6:00pm to 6:00am to receive feedstock when load check employee is available, or to screen and turn during specified contingencies.	6:00am to 6:00pm – 7 day/week 6:00am to 10:00pm within processing building 24 hours per day to windrows material receiving, screening and turning
Permitted Acreage	77	105
Permitted Design Capacity	500,000 cubic yards	576,000 cubic yards

Other Changes include:

1. Update of the facility's Emergency Contact to John Doyle – Operations Manager;
2. Updates to the documents that describe and/or restrict the operation of the facility;
3. Updated permit conditions correcting outdated language.

Key Issues

The proposed permit will allow for the following:

1. Expanding operation to include an additional 28 acres for storage and final processing of composting materials.
2. Increase hours of operation to 24 hours for receiving feedstock, and for windrow turning and screening.

Background:

The Z-Best Composting Facility is located in southern Santa Clara County approximately 5 miles southeast of the City of Gilroy, near the San Benito County line. The facility was initially permitted to compost a peak tonnage of 500 tons per day (tpd) of green waste under a Standardized SWFP in September 1997. An expansion of the composting operation to include additional feedstock such as Mixed Solid Waste (MSW) and an increase of the permitted daily incoming tonnage to 1,500 tpd was permitted under a Full SWFP issued on November 1999. In 2011, the Full SWFP was modified to include “Transfer/Processing” as part of the solid waste handling operations for the existing SWFP. This facility currently operates under a full SWFP issued in February 2011.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 10, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on August 31, 2010. The LEA provided a copy to the Department on September 16, 2010. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 14, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 14, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated April 8, 2014.	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 18, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 14, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on January 30, 2014. No written comments were received by LEA or Department staff. Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 18, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January – April) - No violations noted.
- 2013 (January) - One violation of 14 CCR Section 17836 – Report of Composting Site Information.
- 2010- 2012 – No violations noted.

The violations was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the

proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Santa Clara County, Planning Office, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Expanding operations area to include an additional 28 acres for storage and final processing of composting materials.
2. Increase hours of operation to 24 hours for receiving feedstock, and for windrow turning and screening.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2006092028, was circulated for a 30 day comment period from November 5, 2012 to December 4, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was adopted by the Lead Agency on December 24, 2012.

The Santa Clara County Local Enforcement Agency's (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on January 30, 2014, at a school located near the facility, in the City of Gilroy. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 18, 2014 and April 15, 2014.